

## **\*AGENDA**

### MARINE AND PORT ADVISORY COMMITTEE

PURSUANT TO Board of County Commission Resolution No. 057-1991 the Marine and Port Advisory Committee of Monroe County will conduct a workshop and a meeting on November 18, 2009 beginning at 6:30 PM in the 1<sup>st</sup> Floor Conference & Media Press Room of the County Bldg., located at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

#### CALL TO ORDER

#### ROLL CALL

#### MARINE AND PORT ADVISORY MEMBERS

Paul Koisch, Chair  
Doug Gregory, Vice Chair  
Rob Bleser  
Kent Edwards  
Pam Martin  
Robert Mongelli  
Mimi Stafford  
Sandy Walters  
Pat Wells  
Pete Worthington

#### STAFF

Richard Jones, Sr. Administrator

#### WORKSHOP

A workshop to discuss the County's initiative to address unpermitted moorings. Marine Resources staff will solicit input and provide information on the intent and direction of the project. \*

#### PUBLIC MEETING

1. Approval of Meeting Minutes from the 9/1/2009 MPAC meeting \*
2. Update and discussion on the FWC Pilot Project
3. Discussion on the Monroe County Vessel Pumpout Program

\* indicates documentation to accompany the agenda item

#### COMMITTEE DISCUSSION

#### ADJOURNMENT

## **MARINE AND PORT ADVISORY COMMITTEE**

### **Draft Meeting Minutes**

PURSUANT TO Board of County Commission Resolution No. 057-1991 the Marine and Port Advisory Committee of Monroe County conducted a meeting on **September 1, 2009** beginning at 6:30 PM at the Marathon Government Center, 2<sup>nd</sup> Floor, 2798 Overseas Highway, Marathon, Florida.

#### **MARINE AND PORT ADVISORY MEMBERS:**

Paul Koisch, Chair	Present
Doug Gregory, Vice Chair	Present
Rob Bleser	Absent
Kent Edwards	Present
Pam Martin	Present
Bobby Mongelli	Absent
Mimi Stafford	Present
Sandy Walters	Present
Pat Wells	Present
Pete Worthington	Present

#### **STAFF**

Richard Jones, Sr. Administrator	Present
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#### **COMMISSIONERS**

Comm. Mario Di Gennaro

### **MOTIONS MADE**

#### **Motion 1**

Approval of the March 3, 2009 MPAC meeting minutes.

Motion/Second	Passed unanimously
Pam Martin/Doug Gregory	

#### **Motion 2**

A motion to support Marine Resources participation in the agency communication process while the FWC Pilot Project is being developed, and for Marine Resources to provide more detailed information to the Committee, as it becomes available.

Motion/Second	Passed (7/1)	
Sandy Walters/Pete Worthington	Paul Koisch	Yes
	Doug Gregory	No
	Kent Edwards	Yes
	Pam Martin	Yes
	Mimi Stafford	Yes
	Sandy Walters	Yes
	Pat Wells	Yes
	Pete Worthington	Yes

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## **MEETING MINUTES**

Paul Koisch, Committee Chair, opened the meeting at 6:30 pm.

### **Item 1. Introduction of new Committee members**

Paul Koisch introduced two new Committee members and asked them to tell a little about themselves. Mimi Stafford stated that she is a long time citizen of the Keys and is involved in commercial fishing. Sandy Walters stated that she owns an environmental consulting business and is involved with several organizations, including the South Florida Regional Planning Council. The Committee welcomed the new members.

### **Item 2. Approval of the March 3, 2009 Meeting Minutes**

The minutes were unanimously approved. Several members inquired as to why there were no minutes from the June 2, 2009 Committee meeting. Rich Jones explained that there was no quorum, thus no official meeting was held. Rich explained that the group did have a discussion and that he has discussion notes if anybody would like a copy.

### **Item 3. Discussion of Trap Storage Areas**

Doug Gregory discussed the history and current status of trap storage areas in the Keys. Doug said that back in 1987 the FDOT coordinated with the County and the commercial fishermen to allow traps to be stored in ten sites adjacent to US1. He mentioned that currently the bicycle trail being developed by the Office of Greenways and Trails is going next to the trap storage area on Conch Key, requiring the relocation of the fence in that location. Doug stated that DOT is working with the fishermen to accommodate them as best they can. The agreements for all the existing storage areas are going to be updated to provide for more specific and accurate descriptive data. He also mentioned that several of the areas are not being used. Pam Martin added that she was involved with the development of the trap storage areas. Doug said there will be another meeting this Friday with DOT to discuss the storage area agreements and that all draft documents will be distributed to the MPAC for review prior to being presented to the BOCC.

### **Item 4. Discussion of Mini-season, Wholesale Lobster Prices, and New Bridge Fishing License Requirements**

Paul Koisch said he wanted to discuss the status of the lobster fishery and problems the industry is having with reduced current lobster values. Mimi Stafford indicated that it is a global economic issue. She mentioned that trap robbing has been on the rise and is significantly affecting many fishermen. Paul asked if there is anything the County can do to help. She indicated that it is an economic issue and there is not much the County can do. She did mention however that a lack of FWC enforcement has exacerbated the problem and there are fewer eyes on the water to catch the trap robbers. Paul mentioned the new bridge fishing license requirements. Doug Gregory explained that the National Marine Fisheries Service is requiring a federal fishing license for all anglers in order to have a more complete universe of anglers for catch surveys. If a state does not provide sufficient information or coverage of anglers then the anglers of that state will have to get both a state and federal license. Florida is expanding it's license to ensure Florida anglers

do not have to also purchase the federal license. This expansion will also increase their income. Pam Martin suggested that possibly the County could work with the fish houses to help promote lobster sales. She then asked Doug Gregory if he could request the University of Florida to conduct a marketing campaign. Doug agreed to speak to the Department of Agriculture about it. Sandy Walters mentioned that there appeared to be fewer boat groundings lately and wondered if it could be associated with a decrease in recreational lobstering effort.

#### **Item 5. Update on the Sunset Point Park Boat Ramp Rebuild Project**

Rich Jones gave a brief update on the re-construction of the Sunset Point Park boat ramp. Rich indicated that work on the project will start next week, after the holiday. He mentioned that the project is 75% funded by a BIF grant acquired by the Marine Resources Office.

#### **Item 6- Update on 2009 Anchoring Legislation**

Rich Jones discussed the recent legislation related to anchoring activity. Rich said that Boat US provided a good synopsis of the different elements of the legislation. He explained that the legislation really just tightens up existing statutes for clarification. He said that the definition of 'liveaboard' was revised, requiring a declaration of domicile be filed. Rich explained that because local governments cannot regulate anchoring of non-liveaboard vessels, but can regulate liveaboards, there is little incentive for a boater to claim to be a liveaboard. He explained that the legislation does not allow for local governments to regulate anchoring of non-liveaboards outside of mooring fields. The legislation provides for a new 'Pilot Program' through FWC. It also clarifies that boating restricted areas can only be developed for life/safety reasons, not for environmental protection except within aquatic preserves.

#### **Item 7- Update on Project to Address Illegal/Unpermitted Moorings**

Rich Jones discussed the recent resolution approved by the BOCC addressing illegal, unpermitted mooring which are proliferating throughout the Keys. Pam Martin said that she would have liked the item to come before the Committee because she was not comfortable with some of the language in the resolution. Rich explained that this is an issue that has come to the forefront at not only the County, but also DEP and FWC. Rich apologized for not bringing it to the MPAC for their input. Rich explained that unpermitted moorings are not just an environmental issue, but also a life/safety issue and that the resolution takes no action other than proclaiming that it is an issue to be addressed. Pam Martin indicated her discomfort with Section 4 of the resolution which cites several state statutes and allows for enforcement action. Rich explained that the section was requested by the Florida DEP. Rich explained that all the agencies are finally coming together to address this important issue and how to remove the unpermitted moorings and prevent them from happening in the future. There was some confusion among several members of the committee regarding what constitutes an illegal mooring. Rich explained that boaters are certainly allowed to drop anchor, but that the resolution addresses engine blocks, concrete, etc that damages the resources and may not provide a secure mooring. Several members inquired about the potential for installing permitted moorings. Rich explained that there is a procedure through DEP and FWC and it requires riparian ownership. Kent Edwards further explained environmental issues caused by unpermitted moorings and that representatives of several agencies met a few weeks earlier to begin discussions related to unpermitted moorings, jet skis in the Refuges, and

the concept of recreational areas with permanent moorings. Comm. Di Gennaro suggested that if the Committee would like to revise the resolution that he would welcome such an item to come before the Board for consideration. There was discussion of why enforcement action is just now taking place with unpermitted moorings. Kent Edwards explained that in past decades there were fewer moorings and enforcement was not popular among the community. Several members expressed concern about a public outcry from boaters regarding action from the County or the State. Rich mentioned a \$65,000 mitigation fee that the County may be receiving to help address the issue of unpermitted moorings, and that it would be important to have an educational/outreach component in the project. He said he has requested that DEP provide the \$65,000 to inventory moorings in the Key West area, provide an outreach component, and generate a plan for removing and preventing future unpermitted moorings. Pam Martin voiced a concern that the County is displacing boaters. Rich explained that the project is not addressing boats or boaters, but rather the mooring device holding the vessels in place. He indicated that boaters wouldn't be required to move, only to untie from the engine block or other object being used for a mooring. Pete Worthington suggested that the inventory should also provide data on moorings that are permitted. Rich agreed, indicating that the inventory should count every boat in the proposed survey area and describe the mooring device. Rich mentioned that there are permitted moorings in the Keys, but not many. Rich explained that evaluating and addressing boats and anchoring devices in the Boca Chica harbor area has been requested by Growth Management Director. Pete Worthington asked if maybe unpermitted moorings that have been around for decades could possibly be grandfathered in. Rich indicated that the regulations regarding unpermitted moorings do not come from the County, but rather the State and he doubts that unpermitted moorings regardless of age would be grandfathered. Pete Worthington indicated that nothing needed to be added to the resolution. No action was taken. Paul Koisch said that the issue would be work shopped at the next MPAC meeting. Rich explained that unpermitted moorings are often associated with derelict and abandoned vessels, and that it ties in with the next agenda item; the development of the FWC Pilot Project.

#### **Item 8- Update on FWC Pilot Project**

Rich Jones described the FWC Pilot Project that is part of the 2009 legislation. Rich said that this is a little understood project that will address anchoring and mooring fields. Rich referred the Committee to the Pilot Project handout downloaded from the FWC website. Rich explained that because local governments are not authorized to regulate anchoring activity of non-liveaboard vessels, it is difficult for counties and cities to address many anchoring issues. Rich explained that there are lots of vessels, some derelict or abandoned and often on unpermitted moorings, moored outside of mooring fields. The state legislature recognizes the issue and has created the Pilot Project to allow five local governments throughout the state to work with FWC to draft temporary ordinances to address anchoring activity of all vessels. Rich explained that the Pilot Project addresses constructing new mooring fields, protecting boating infrastructure, etc, but appears to focus on anchoring regulations. Several members of the committee expressed concern and confusion regarding the project. Rich indicated that even FWC does not know where it will go, but that they have five years to develop concepts and ordinances. He explained that FWC will provide technical and legal support. He said that the legislature wants to start the project with the Florida Keys and that FWC has been in communication with Marine Resources regarding the project. Rich said that

applications will be forthcoming in the next few weeks and that he wants Monroe County to participate. Several members of the Committee expressed hesitation because they do not know the specifics of the project. Rich explained that this is something that both DEP and FWC want to see implemented to help protect the environment and provide appropriate facilities for boaters. Rich requested the support of the Committee. The Committee approved a motion to support Marine Resources participation in the agency communication process regarding the Pilot Project.

### **Committee Discussion**

Pam Martin requested that an updated committee member list be distributed. Pam also requested that a budget breakdown of Boating Improvement Funds be provided. Rich Jones mentioned that the County Administrators Office has requested that all committee liaisons ask their respective committee members if they would like to have their e-mail addresses provided on the County website. Rich said he would be sending the request to the members in the coming week. Doug Gregory inquired about the Marina Operating Permit development. Rich Jones said that the ordinance has not been completed and that he will be working with the interim Growth Management Director and the County Attorneys Office to determine the appropriate method for implementation and enforcement. Rich said that he would be bringing the draft Marina Operating Permit ordinance back to the Committee in the future for more input to help develop pumpout requirements for different types of marina facilities.

The next meeting was scheduled for November 18, 2009. It was requested to have a workshop format to continue discussion of the unpermitted mooring project.

### **Adjournment**

The Meeting was adjourned at 8:30.

# **Unpermitted Mooring Initiative**

## **Overview of Project and List of Initial Objectives**

Prepared by the Marine Resources Administrator and the Chair of the Marine & Port Advisory Committee

9/16/2009

### **Overview:**

In recent years the County, DEP and FWC have recognized impacts created by, and associated with, unpermitted moorings that are proliferating throughout the Keys. In an effort to begin addressing the issue, the Marine Resources Office presented Resolution 150-2009 at a regular meeting of the Board of County Commissioners at its June 17, 2009 meeting. The resolution acknowledged life safety concerns and environmental impacts that may be caused by unpermitted moorings, as well as the potential for property damage from vessels going adrift. The resolution was unanimously approved.

The resolution distinguishes between legal anchoring/mooring activities and unpermitted moorings such as engine blocks, concrete, etc. The resolution cites existing state statutes which require permitting of objects or structures placed on sovereign submerged lands (other than anchor tackle appurtenant to a vessel). It further describes direct costs to the tax payers to salvage and dispose of vessels that have inadvertently become un-attached from an unpermitted mooring.

The resolution resolves the following four items:

- 1) That the Florida DEP, FWC and the Board of Trustees of the Internal Improvement Trust Fund recognize existing state statutes and administrative codes pertaining to the depositing or affixing of objects upon sovereign submerged lands;
- 2) That FWC and DEP work with Monroe County to address illegal, unpermitted mooring issues;
- 3) That staff, in coordination with FWC and DEP, look at the potential for identifying and removing unpermitted moorings and provide education and outreach to prevent future unpermitted moorings;
- 4) And that law enforcement take reasonable enforcement action against persons placing or installing unpermitted moorings on or in the seafloor.

The first two sections above have already begun. Upon executing the resolution, copies were provided to DEP and FWC. Also, the County has begun to work with both federal (NOAA and USFWS) and state (FWC and DEP) agencies to discuss the various issues related to unpermitted moorings. The Marine Resources Office has also discussed the issue of unpermitted moorings with the Marine and Port Advisory Committee at several meetings in the last year.

Representatives from NOAA, FWC and DEP will continue to work with Marine Resources staff over the next several months and years to further discuss the issues and develop ideas to meet the objectives of removing and preventing unpermitted moorings. The County and Florida DEP are currently coordinating to provide \$65,000 in mitigation

funds to the County to be used to address the problem. The Marine and Port Advisory Committee will also work closely with County staff to address the problem by providing input on the development of a study to look at the unpermitted mooring issue.

**Initial Objectives:**

- Focus on an anchorage/mooring area or areas in which to study the issues associated with unpermitted moorings. The BOCC and Growth Management have already directed Marine Resources staff to address boating related issues in the anchorage area at Boca Chica harbor. There are several additional significant mooring/anchorage areas adjacent to Boca Chica harbor including Cow Key Channel, Fleming Key and Wisteria Island
- Inventory all vessels and moorings in the area/s of focus:
  - Provide a vessel count
  - Assessment of benthic resources and water depth
  - Underwater inspection and assessment of moorings and/or ground tackle
  - Inspection and assessment of vessels
  - Assessment of potential for navigational hazard
- Determine the means and cost of removing the unpermitted moorings identified in the survey
- Provide an education/outreach component that informs the public of the issues, the project, existing laws, and any implementation plans
- Develop plans to prevent future placement of unpermitted moorings

**Additional Concerns/Talking Points:**

- Homesteading (squatters) on state owned submerged lands
- What is a 'permitted' mooring, and why is permitting and engineering important?
- Determination of 'owner' of mooring
- Consideration for 'amnesty period' for removal of moorings
- Prioritization- look first at unattended or abandoned vessels on moorings
- Consideration for permitting of existing moorings
- Use the Boot Key Harbor project as example of unmanaged anchoring/mooring

It has been suggested that the County utilize the potential \$65,000 from DEP to address these objectives by hiring a consultant to perform the work described above. The County would likely develop a Request for Proposals for 'the study', listing the objectives to be accomplished and tasks to be performed. Once 'the study' is complete, the County would attempt to carry out the recommendations of the study that would likely include removal of unpermitted moorings and various marine debris. The post-study implementation may also include signage and other information educating the public about proper anchoring and laws prohibiting the placement of unpermitted moorings.